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SCHLESINGER CONRAD LAW FIRM

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Attorney for Defendants

Sandra Gallagher Lewis

And David Vincent Lewis

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MISSION TRADING COMPANY,
INC.,

Plaintiff,

v.

SANDRA GALLAGHER LEWIS,
individually; DAVID VINCENT
LEWIS, individually, DOES 1 – 10,
inclusive,

Defendants.

CASE NO.: 3:16-CV-01110-JST

DECLARATION OF SANDRA LEWIS
IN SUPPORT OF MOTION TO SET
ASIDE DEFAULT

Hearing Date: August 4, 2016
Courtroom: 9,
Phillip Burton Building, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102
Time: 2:00 p.m.

[Filed Concurrently with:
- Notice of Motion and
Memorandum of Points and
Authorities;
- Declaration of Sandra G. Lewis;
- Declaration of Kira A.
Schlesinger;
- (Proposed) Order.]

*Assigned for All Purposes to the
Honorable Jon S. Tigar*

Schlesinger Conrad Law Firm
3936 E. Desert Cove Avenue, 1st Fl., Phoenix, AZ 85028





1 I, Sandra Lewis, hereby declare:

2 1. I am over age eighteen and Defendant in the above-captioned action.
3 Except as to those averments based upon information and belief, I have personal
4 knowledge of the following facts and would testify competently thereto if called as
5 a witness. As to those statements on sworn on information and belief, I have
6 reviewed documents and made reasonable inquiries and the averments are made
7 in a good faith belief that they are true.

8 2. While David Lewis was traveling, a process server came to the Lewis
9 residence is in Texas. The process server ultimately wedged the documents in
10 front door of our home. She did not give them personally to me, or even tell me
11 that they were service of process on David. I did not immediately see the
12 documents.

13 3. Because both my and David's name was on the summons, I initially
14 believed that it was simply a second copy of the documents previously served on
15 me.

16 4. As David was still out of the state, I did not feel any urgency to tell
17 him about the copy of the documents.

18 5. In an abundance of caution, and because it seemed odd that someone
19 would bring an extra copy of documents, I asked my sister, who is a family law
20 attorney in Texas, about how the documents were delivered. She told me that in
21 Texas service is not proper if just left at the residence. She said that leaving the
22 complaint on the door could not be proper service. Upon information and belief,
23 my sister checked the court records and informed me that no motion for
24 alternative service had been filed. no paperwork regarding an additional service
25 had been filed. I therefore thought the server simply left the paperwork on the
26 door as a copy, so it was not urgent that I let David know about it. This belief
27 added to the delay in finding counsel.
28

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1 6. While I had no understanding that David had been served, because I
 2 had been served, David and I began seeking legal representation. The search was
 3 hampered because we were in Texas, not California.

4 7. I spoke to one gentlemen who told me he was not currently an active
 5 attorney, but that he may be able to assist us anyway. My understanding was that
 6 he was a former attorney and that he could guide us in what we needed to do.
 7 Ultimately, he declined to help, but this added to the delay in hiring an attorney.

8 8. A purchaser does not deal directly with me or Professor Foam, but
 9 rather purchases through Amazon. Neither I nor Professor Foam specifically
 10 solicits any sale from purchasers in California. Any purchase is made through
 11 Amazon, not from any defendant as an individual seller.

12 9. I have never used any registered trademark belonging to Mission
 13 Trading Company, Inc., or any other registered trademark.

14 10. I did not cause the "H.S" to be affixed to the add placed for Professor
 15 Foam.

16 11. Upon information and belief, similar products on Amazon are listed
 17 under the same ASIN numbers to show that products are comparable.

18 12. Professor Foam has never actively sought any customers that were
 19 known to be those of Mission Trading Company.

20
 21 I declare under penalty of perjury under the laws of the United States of
 22 America and the State of California that the foregoing is true and correct to the
 23 best of my knowledge, and that this declaration was executed in Tomball, Texas
 24 Harris County, on June 28, 2016.

25
 26 By Sandra Lewis
 Sandra Lewis

27 *The foregoing was served on all interested parties via ECF.*
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